

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Greenville
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2018CP2302230

Rollie Brian Roberts et al
PLAINTIFF(S)

RTG Furniture Corporation et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON): Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled);
 Other
- ACTION STRICKEN (CHECK REASON): Rule 40(j), SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other
- STAYED DUE TO BANKRUPTCY
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
 Affirmed; Reversed; Remanded;
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

It is hereby ordered that the Plaintiff's motion to Alter or Amend and the Plaintiff's motion to Strike are hereby denied.

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 12/11/2018.

Roomstogocom Inc

RECEIVED

FEB 06 2019

SC Court of Appeals

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

ELECTRONICALLY FILED - 2018 Dec 12 9:44 AM - GREENVILLE - COMMON PLEAS - CASE#2018CP2302230

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ELECTRONICALLY FILED - 2018 Dec 12 8:44 AM - GREENVILLE - COMMON PLEAS - CASE#2018CP2302236



Greenville Common Pleas

Case Caption: Rollie Brian Roberts , plaintiff, et al vs. RTG Furniture Corporation ,
defendant, et al
Case Number: 2018CP2302230
Type: Order/Electronic Form 4

So Ordered.

s/Letitia H. Verdin, SC Judge 2162

Electronically signed on 2018-12-11 16:26:37 page 3 of 3

ELECTRONICALLY FILED - 2018 Dec 12 8:44 AM - GREENVILLE - COMMON PLEAS - CASE# 2018CP2302230

FORM 11
LETTER ORDERING TRANSCRIPT FROM COURT REPORTER

January 17, 2019

Teresa B. Johnson
P.O. Box 2812
Greenville, SC 29602

RE: Roberts et al., Appellants, v. RTG Furniture Corporation et al.,
Respondents, Case No. 2018-CP-23-02230

Dear Ms. Johnson:

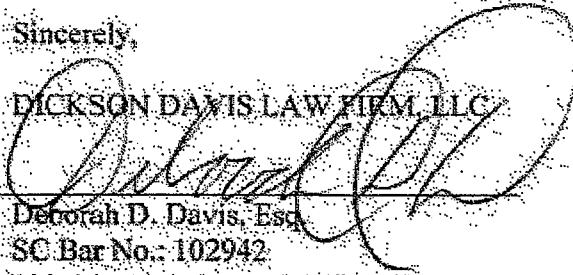
On August 1, 2018, and November 29, 2018, the above case was heard before the Honorable Letitia H. Verdin in Greenville County. My records indicate that you were the court reporter for this case.

I request that you provide me with a transcript of the proceedings. Please transcribe the entire record.

I agree to pay the per page charge for this transcript as provided by Rule 607, SCACR.

Sincerely,

DICKSON DAVIS LAW FIRM, LLC



Deborah D. Davis, Esq.
SC Bar No.: 102942
439 Congaree Street, Mailbox 6
Greenville, SC 29607
(864) 729-3424 t
(864) 752-1424 f
d.davis@dicksondavislaw.com
www.dicksondavislaw.com

ATTORNEY FOR APPELLANTS

cc: Turner Padgett Graham and Laney, P.A.
Frank S. Stern, Esq.
200 East Broad Street, Suite 250
P.O. Box 1509

Greenville, SC 29601
(864) 552-4636

ATTORNEY FOR THE RESPONDENTS

S.C. Court Administration
Clerk, Court of Appeals
Greenville County Clerk of Court

ELECTRONICALLY FILED - 2019 Jan 17 7:22 PM - GREENVILLE - COMMON PLEAS - CASE#2018CP2302230

**FORM 11
LETTER ORDERING TRANSCRIPT FROM COURT REPORTER**

January 17, 2019

Teresa B. Johnson
P.O. Box 2812
Greenville, SC 29602

RE: Roberts et al., Appellants, v. RTG Furniture Corporation et al.,
Respondents, Case No. 2018-CP-23-02230

Dear Ms. Johnson:

On August 1, 2018, and November 29, 2018, the above case was heard before the Honorable Letitia H. Verdin in Greenville County. My records indicate that you were the court reporter for this case.

I request that you provide me with a transcript of the proceedings. Please transcribe the entire record.

I agree to pay the per page charge for this transcript as provided by Rule 607, SCACR.

Sincerely,

DICKSON DAVIS LAW FIRM, LLC

/s/ Deborah D. Davis, Esq.

Deborah D. Davis, Esq.
SC Bar No.: 102942
439 Congaree Street, Mailbox 6
Greenville, SC 29607
(864) 729-3424 f
(864) 752-1424 f
d.davis@dicksondavislaw.com
www.dicksondavislaw.com

ATTORNEY FOR APPELLANTS

cc: Turner Padgett Graham and Lancy, P.A.
Frank S. Stern, Esq.
200 East Broad Street, Suite 250
P.O. Box 1509

Greenville, SC 29601
(864) 552-1636

ATTORNEY FOR THE RESPONDENTS

S.C. Court Administration
Clerk, Court of Appeals
Greenville County Clerk of Court

ELECTRONICALLY FILED - 2019 JAN 17 7:22 PM - GREENVILLE - COMMON PLEAS - CASE#2019CP00020

**FORM 7
PROOF OF SERVICE OF A NOTICE OF AMENDED APPEAL**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

**APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas**

Letitia H. Verdin, Circuit Court Judge

Case No. 2018-CP-23-02230

**ROLLIE BRIAN ROBERTS,
KIMBER FLYNN ROBERTS,**

Appellants,

v.

**R.T.G. FURNITURE
CORPORATION, RTG
FURNITURE CORPORATION OF
GEORGIA, RTG
FURNITURE CORPORATION OF
TEXAS, RTG
FURNITURE OF TEXAS, L.P.,
ROOMSTOGO.COM, INC., SE
INDEPENDENT
DELIVERY SERVICES, INC.,**

Respondents.

PROOF OF SERVICE

I certify that I have served the Notice of Amended Appeal on Respondents **R.T.G. FURNITURE CORPORATION ET AL.** electronically and by depositing a copy of it in the United States Mail, postage prepaid, on February 6, 2019, addressed to the attorney of record, to the following address(es):

R.T.G Furniture Corp. et al.

c/o Frank S. Stern, Esq.
 Turner Padgett Graham and Lancy P.A.
 200 East Broad Street, Suite 250
 P.O. Box 1509
 Greenville, SC 29602

Respectfully submitted this 6 day of February, 2019

DICKSON DAVIS LAW FIRM, LLC



Deborah D. Davis, Esq.
 SC Bar No.: 102942
 439 Congaree Street, Mailbox 6
 Greenville, SC 29607
 (864) 729-3424 f
 (864) 752-1424 f
 d.davis@dicksondavislaw.com
 www.dicksondavislaw.com

ATTORNEY FOR APPELLANTS

ELECTRONICALLY FILED - 2019 Feb 06 11:36 AM - GREENVILLE - COMMON PLEAS - CASE#2018CP2302230

**FORM 1
NOTICE OF AMENDED APPEAL IN A CIVIL CASE**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Letitia H. Verdin, Circuit Court Judge

Case No. 2018-CP-23-02230

ROLLIE BRIAN ROBERTS,
KIMBER FLYNN ROBERTS,

Appellants,

v.

R.T.G. FURNITURE
CORPORATION, RTG
FURNITURE CORPORATION OF
GEORGIA, RTG
FURNITURE CORPORATION OF
TEXAS, RTG
FURNITURE OF TEXAS, L.P.,
ROOMSTOGO.COM, INC., SE
INDEPENDENT
DELIVERY SERVICES, INC.,

Respondents.

NOTICE OF AMENDED APPEAL

Appellants **ROLLIE BRIAN ROBERTS** and **KIMBER FLYNN ROBERTS** appeals the order of the Honorable Letitia H. Verdin dated January 15, 2019, with respect to the court's denial of Appellants' Motion to Amend or Alter Appellants' Complaint filed before the Greenville County Circuit Court on August 29, 2018. Respondents received written notice of entry of this order via electronically on January 17, 2019.

Respectfully submitted this 6 day of February, 2019.

DICKSON DAVIS LAW FIRM, LLC

/s/ Deborah D. Davis, Esq.

Deborah D. Davis, Esq.

SC Bar No.: 102942

439 Congaree Street, Mailbox 6

Greenville, SC 29607

(864) 729-3424 t

(864) 752-1424 f

d.davis@dicksondavislaw.com

www.dicksondavislaw.com

ATTORNEY FOR APPELLANTS

Other Counsel of Record:

Turner Padgett Graham and Laney, P.A.

Frank S. Stern, Esq.

200 East Broad Street, Suite 250

P.O. Box 1509

Greenville, SC 29601

(864) 552-4636

ATTORNEY FOR THE RESPONDENTS

ELECTRONICALLY FILED - 2019 Feb 06 11:36 AM - GREENVILLE - COMMON PLEAS - CASE#2018CP2302230

EXHIBIT 1

ELECTRONICALLY FILED - 2019 Feb 06 11:36 AM - GREENVILLE - COMMON PLEAS - CASE#2018CP2302230

**FORM 9
LETTER TO CLERK OF LOWER COURT
FILING NOTICE OF AMENDED APPEAL**

February 6, 2019

The Honorable Paul B. Wickensimer
Clerk of Court for Greenville County
Court of Common Pleas
305 E. North St. # 318
Greenville, SC 29601

RE: Roberts et al., Appellants, v. RTG Furniture Corporation et al.,
Respondents, Case No. 2018-CP-23-02230

Dear Honorable Wickensimer:

Enclosed for filing is a notice of amended appeal in the above case. I received notice from the South Carolina Appellate Court on January 25, 2019, to file an amended notice of appeal prior to the appeal being dismissed on January 30, 2019. This filing is to remain in compliance with the South Carolina Appellate Court's directions prior to the dismissal of the appeal, which I can petition to reinstate the appeal.

Respectfully submitted this 6 day of February, 2019.

DICKSON DAVIS LAW FIRM, LLC

/s/ Deborah D. Davis, Esq.
Deborah D. Davis, Esq.
SC Bar No.: 102942
439 Congaree Street, Mailbox 6
Greenville, SC 29607
(864) 729-3424 t
(864) 752-1424 f
d.davis@dicksondavislaw.com
www.dicksondavislaw.com

ATTORNEY FOR APPELLANTS

cc: Turner Padget Graham and Laney, P.A.
Frank S. Stern, Esq.
200 East Broad Street, Suite 250
P.O. Box 1509

Greenville, SC 29601
(864) 552-4636

ATTORNEY FOR THE RESPONDENTS

ELECTRONICALLY FILED - 2019 Feb 06 11:36 AM - GREENVILLE - COMMON PLEAS - CASE#2018CP2302230

ELECTRONICALLY FILED - 2019 Feb 06 11:36 AM - GREENVILLE - COMMON PLEAS - CASE#2018CP2302230

EXHIBIT 2



DICKSON DAVIS LAW FIRM

NOTICE OF AMENDED APPEAL COVER LETTER

February 6, 2019

Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
P.O. Box 11629
Columbia, SC 29211

VIA E-FILE

Re : *Roberts et al. v. RTG Furniture Corporation et al.*
Case No. : 2018-CP-23-02230
File Id. : 2017-01-122

Dear Clerk of Court:

As you know, I represent Appellants in this matter. Included is the Notice of Amended Appeal pertaining to the court order issued by the Honorable Letitia H. Verdin on January 15, 2019, denying Appellants' Motion to Amend or Alter Appellants' Complaint filed before the Greenville Circuit Court on August 29, 2018. I received notice from the South Carolina Appellate Court on January 25, 2019, to file an amended notice of appeal prior to the appeal being dismissed on January 30, 2019. This filing is to remain in compliance with the South Carolina Appellate Court's directions prior to the dismissal of the appeal, which I can petition to reinstate the appeal. Included is the following:

- (1) Notice of Amended Appeal;
- (2) Proof of Service of Notice of Amended Appeal;
- (3) Letter to Clerk of Lower Court for Notice of Amended Appeal in Greenville County Circuit Court;
- (4) Previously filed Letter Ordering Transcript from Court Reporter Teresa B. Johnson;
- (5) Order Denying Plaintiffs' Motion to Amend Plaintiff's Complaint; and,
- (6) Order Denying Plaintiffs' Motion to Alter or Amend Judgment.

A separate filing for a Motion to Reinstate the Appeal to the South Carolina Appellate Court for an Order issued by South Carolina Appellate Court on January 30, 2019, is forthcoming.

Respectfully submitted this 6 day of February, 2019.

/s/ Deborah D. Davis, Esq.

Deborah D. Davis, Esq.
SC Bar No.: 102942
Attorney for Appellants

cc: Frank S. Stern, Greenville County Clerk of Court
/ddd

DICKSON DAVIS LAW FIRM, LLC ■ 439 CONGAREE ROAD ■ MAILBOX 6 ■ GREENVILLE, SOUTH CAROLINA ■ 29607
864.729.3424 TEL ■ 864.752.1424 FAX ■ WWW.DICKSONDAVISLAW.COM ■ INFO@DICKSONDAVISLAW.COM

ELECTRONICALLY FILED - 2019 Feb 06 11:38 AM - GREENVILLE - COMMON PLEAS - CASE#2018CP2302230

ELECTRONICALLY FILED - 2019 Feb 06 11:36 AM - GREENVILLE - COMMON PLEAS - CASE#2018CP2302230

EXHIBIT 3

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Fileers or who are appearing pro se. See Rule 77(d), SCRPC.

FILED IN COUNTY OF HAMILTON, TENNESSEE - 2019 FEB 06 02 49 AM - GREENVILLE - COMMONS FILED - CASE # 2018 CP 2302230



Greenville Common Pleas

Case Caption: Rollie Brian Roberts , plaintiff, et al vs. RTG Furniture Corporation ,
defendant, et al
Case Number: 2018CP2302230
Type: Order/Electronic Form 4

So Ordered

s/Letitia H. Verdin, SC Judge 2162

Electronically signed on 2018-12-11 16:26:37 page 3 of 3

RECEIVED BY MAIL - 2018 FEB 07 09:46 AM - GREENVILLE - COMMON PLEAS - CASE#2018CP2302230

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Greenville
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2018CP2302230

Rollie Brian Roberts et al
PLAINTIFF(S)

RTG Furniture Corporation et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded;
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

Plaintiff's Motion for Reconsideration is hereby denied based upon a finding that the Order denying the plaintiffs' Motion to Alter or Amend and Motion to Strike was appropriate. The order previously issued by this Court was based upon a finding that first, the Defendant's answer was proper and additionally, that the Motions to Amend and to Strike were procedurally untimely.

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 01/15/2019 .

Roomstogocom Inc

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

FILED BY: DEBORAH DAVIS / FILED -- 2019 FEB 06 05 21 235 PAM - GREENVILLE -- COMMON PLEAS -- CASE # 2018CP2302230

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.

FILED FROM CAULLEY FILED - 2019 Feb 06 12:36 PM - GREENVILLE - COMMONS FILED - CASE# 2018022800



Greenville Common Pleas

Case Caption: Rollie Brian Roberts , plaintiff, et al vs. RTG Furniture Corporation ,
defendant, et al
Case Number: 2018CP2302230
Type: Order/Electronic Form 4

So Ordered

s/Letitia H. Verdin, SC Judge 2162

Electronically signed on 2019-01-15 11:49:53 page 3 of 3

HHHCJFROM(CXALLY/HHLED--2019FEB06 12:38PM--GREENVILLE--COMMONP/PLEAS--CASE#2018CP23022300

ELECTRONICALLY FILED - 2019 Feb 06 11:36 AM - GREENVILLE - COMMON PLEAS - CASE#2018CP2302230

EXHIBIT 4

**FORM 11
LETTER ORDERING TRANSCRIPT FROM COURT REPORTER**

January 17, 2019

Teresa B. Johnson
P.O. Box 2812
Greenville, SC 29602

RE: Roberts et al., Appellants, v. RTG Furniture Corporation et al.,
Respondents, Case No. 2018-CP-23-02230

Dear Ms. Johnson:

On August 1, 2018, and November 29, 2018, the above case was heard before the Honorable Letitia H. Verdin in Greenville County. My records indicate that you were the court reporter for this case.

I request that you provide me with a transcript of the proceedings. Please transcribe the entire record.

I agree to pay the per page charge for this transcript as provided by Rule 607, SCACR.

Sincerely,

DICKSON DAVIS LAW FIRM, LLC

/s/ Deborah D. Davis, Esq.

Deborah D. Davis, Esq.
SC Bar No.: 102942
439 Congaree Street, Mailbox 6
Greenville, SC 29607
(864) 729-3424 t
(864) 752-1424 f
d.davis@dicksondavislaw.com
www.dicksondavislaw.com

ATTORNEY FOR APPELLANTS

cc: Turner Padget Graham and Laney, P.A.
Frank S. Stern, Esq.
200 East Broad Street, Suite 250
P.O. Box 1509

RECEIVED FROM ORALLY FILED - 2/20/19 10:48 AM - 17/236 PAM - GREENVILLE - COMMON PLEAS - CASE# 2018-CP-23-02230

Greenville, SC 29601
(864) 552-4636

ATTORNEY FOR THE RESPONDENTS

S.C. Court Administration
Clerk, Court of Appeals
Greenville County Clerk of Court

RECEIVED FROM COUNTY/FILED - 2019 FEB 07 11 23 AM - GREENVILLE - COMMON PLEAS - CASE# 2018CP28022800

ELECTRONICALLY FILED - 2019 Feb 06 11:36 AM - GREENVILLE - COMMON PLEAS - CASE#2018CP2302230

EXHIBIT 5



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

January 25, 2019

Mrs. Deborah Dickson Davis, Esquire
439 Congaree Road, Mailbox 6
Greenville SC 29607

Re: Rollie Brian Roberts v. R.T.G. Furniture Corp.
Appellate Case No. 2019-000104

Dear Counsel:

This Court has received your notice of appeal, and the case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at www.sccourts.org/courtreg. Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will *not* review filings for redaction or to determine if materials should be sealed.

ELECTRONICALLY FILED - 2019 Feb 06 11:36 AM - GREENVILLE - COMMON PLEAS - CASE#2018CP2302230

ELECTRONICALLY FILED - 2019 Feb 06 11:36 AM - GREENVILLE - COMMON PLEAS - CASE#2018CP2302230

This is to advise that the title in the above matter has been changed to read as follows:

Rollie Brian Roberts and Kimber Flynn Roberts, Appellants,

v.

R.T.G. Furniture Corporation, RTG Furniture Corporation of Georgia, RTC Furniture Corporation of Texas, RTC Furniture Corporation of Texas, L.P., Roomstogo.com, Inc., SE Independent Delivery Services, Inc., Respondents.

All future records in this matter should be changed to reflect this title. If you have any questions, please do not hesitate to contact this office.

Very truly yours,



CLERK

cc: Frank Sanders Stern, Esquire



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

January 25, 2019

Mrs. Deborah Dickson Davis, Esquire
439 Congaree Road, Mailbox 6
Greenville SC 29607

Re: Rollie Brian Roberts v. R.T.G. Furniture Corp.
Appellate Case No. 2019-000104

Dear Counsel:

Upon reviewing your notice of appeal, the following deficiency has been noted under the South Carolina Appellate Court Rules (SCACR), and must be corrected within ten (10) days of the date of this letter or your appeal will be dismissed:

- You must submit an amended notice of appeal where both appellants are listed in the paragraph portion of the notice of appeal. Et al. may not be used.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Frank Sanders Stern, Esquire

ELECTRONICALLY FILED - 2019 Feb 06 11:36 AM - GREENVILLE - COMMON PLEAS - CASE#2018C/P2302230

ELECTRONICALLY FILED - 2019 Feb 06 11:36 AM - GREENVILLE - COMMON PLEAS - CASE#2018CP2302230

The South Carolina Court of Appeals

Rollie Brian Roberts and Kimber Flynn Roberts,
Appellants,

v.

R.T.G. Furniture Corporation, RTG Furniture
Corporation of Georgia, RTC Furniture Corporation of
Texas, RTC Furniture Corporation of Texas, L.P.,
Roomstogo.com, Inc., SE Independent Delivery Services,
Inc., Respondents.

Appellate Case No. 2019-000104

ORDER

This appeal arises out of an order of the circuit court denying the appellants' motion to strike. Because a motion to strike is not immediately appealable, this appeal is dismissed. *See Pelfrey v. Bank of Greer*, 270 S.C. 691, 695, 244 S.E.2d 315, 317 (1978) ("Ordinarily, the refusal of a motion to strike is not appealable until final judgment, unless (1) the motion to strike is in the nature of a demurrer or (2) there is an appealable issue before the court justifying the consideration of the motion to strike also in order to avoid unnecessary litigation." (citing *Tate v. Oxner*, 236 S.C. 313, 114 S.E.2d 225 (1960))). The remittitur will be sent as required by Rule 221(b) of the South Carolina Appellate Court Rules.



FOR THE COURT

Columbia, South Carolina

cc:
Deborah Dickson Davis, Esquire
Frank Sanders Stern, Esquire

FILED

January 30, 2019